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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/996,189 | 11/28/2001 | Sidney Edward Fisher | 60130-1291 | 2239 |

26096 7590 08/27/2003

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EXAMINER

RODRIGUEZ, PAMELA

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|-----------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/996,189 | FISHER, SIDNEY EDWARD |
| | Examiner | Art Unit |
| | Pam Rodriguez | 3683 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 18 June 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-15 and 17-24 is/are pending in the application.

4a) Of the above claim(s) 6,9,10,13,18 and 20 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,7,8,11,12,14,15,17,19 and 21-24 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.5 & 5.

4) Interview Summary (PTO-413) Paper No(s). _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species A in Paper No. 8 is acknowledged. The requirement is still deemed proper and is therefore made FINAL.
2. Claims 6, 9, 10, 13, 18, and 20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

Information Disclosure Statement

3. The Information Disclosure Statements filed November 28, 2001 and February 19, 2002 have both been received and considered. However, the listings of the search reports present on both IDS' are not proper entries on an IDS statement and thus have been lined through. The examiner has considered the search reports however, and all the references cited therein.

Drawings

4. The drawings are objected to because in Figure 8 there is a lead line that has no corresponding reference numeral therewith. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: on page 3 line 27 the phrase "shaft 21" should read –shaft 31—to be consistent with the drawings and the previous lines of the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the first and second stops" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-5, 7, 8, 11, 12, 14, 15, 17, 19, 21, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,649,726 to Rogers, Jr. et al.

Regarding Claim 1, Rogers, Jr. et al disclose an actuator 307 (see Figure 8) having all the features of the instant invention including: a motor 310 in driving

connection with a cam 326 rotatable about a cam axis, a cam follower 336 connected to an output member 372 in which powered rotation of the cam 326 causes the cam follower 336 to be radially displaced relative to the cam axis to provide differing output positions of the output member 372 (see column 9 lines 40-57) and in which the profile 364 of the cam 326 includes a radial stop 352 which in conjunction with the cam follower 336, act as a detent so that the cam follower 336 is capable of controlling the position of the cam 326 (see column 9 lines 50-53), and wherein the motor 310 is powered in a single direction (conducive to the non-back drivable motor mentioned in column 9 lines 58-59, which would indicate one direction of movement) to provide for the differing output positions of the output member 372.

Regarding Claim 2, Rogers, Jr. et al further disclose that the radial stop 352 and the cam follower 336 act as a detent when the motor is not being powered (see column 9 line 58-column 10 line 6).

Regarding Claim 3, see column 9 lines 43-49.

Regarding Claim 4, see column 9 lines 43-53.

Regarding Claim 5, Rogers, Jr. et al disclose that the cam 326 has a first radial stop 352 to stop the cam follower 336 at a first radius and a second radial stop (readable as a midpoint along surface 366 shown in Figure 8) to stop the cam follower 336 at a second radius, wherein the first and second radii are different (see Figure 8, wherein the radial distance from point 362 to point 352 is clearly a different radius than that of the radius between point 362 and the midpoint of surface 366).

Regarding Claim 7, see Figure 8 where multiple points 352 (readable as first stops) are shown as wells as multiple midpoints of surfaces 366 (readable as second stops) are also present.

Regarding Claim 8, Rogers, Jr. et al disclose that the cam follower 336 is biased radially outwardly relative to the cam axis via pivot pin 338.

Regarding Claim 11, see Figure 8 and the profiles of surfaces 352 and 366 as well as Claim 5.

Regarding Claim 12, see Figure 8 and the cam profile portion beginning at point 340 curving up inwardly towards point 350 and then up again towards point 352.

Regarding Claim 14, see Figure 8 and the surface 366 readable as being at least substantially radially orientated.

Regarding Claim 15, any one of the remaining stop surfaces 352 can be readable as a return stop in that they all would prevent the backward rotation of the cam 326 past those surfaces.

Regarding Claim 17, see column 9 lines 29-38 and lines 43-49.

Regarding Claim 19, see column 1 lines 4-6.

Regarding Claim 21, see Figure 8.

Regarding Claim 23, see gear and pinion arrangement 312/318.

Regarding Claim 24, see Claim 1.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, Jr. et al.

Regarding Claim 22, Rogers, Jr. et al disclose most all the features of the instant invention as applied above, except for the motor being connected with the cam via a centrifugal clutch.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the motor of Rogers, Jr. et al to be connected with the cam via a centrifugal clutch merely as an alternate means of manipulating the cam's movement. A clutch would provide an adequate means of initiating movement of the cam to thus engage with its corresponding cam follower. As long as this type of movement is initiated, the means used to perform this function are arbitrary.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Nos. 6,114,821 and 6,208,103 both to Kachouh disclose door lock mechanisms similar to applicant's.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 6 am -4 pm and Tuesdays 6 am -12 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Pam Rodriguez
Primary Examiner
Art Unit 3683

pr

8/18/03

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